

Office of Human Resources Management  
Washington, DC 20590

Date: July 15, 2003

**SUBJECT: Amended Interim Policy on Professional Review Board.**

*Paul Sheldon*  
**FROM:** Paul Sheldon  
Director, HR Policy Management  
Office of Human Resources Management

Attached please find the amended interim policy on Professional Review Board (PRB) that reflects minor changes in the composition and functioning of the PRB.

If you have any questions concerning this interim policy, please contact Paul Sheldon on (571) 227-2879.

**DEPARTMENT OF HOMELAND SECURITY  
TRANSPORTATION SECURITY ADMINISTRATION**

**HUMAN RESOURCES MANAGEMENT POLICY MANUAL**

---

**HRM LETTER NO. 752-2**

**DATE: July 15, 2003**

**SUBJECT: Amended Interim Policy on Professional Review Board**

**1. Purpose**

This policy establishes a Professional Review Board (PRB or Board) to review incidents of misconduct that have been the subject of an investigation by the Office of Internal Affairs and Program Reviews (IA) or the Office of Inspector General (OIG). In appropriate cases, the PRB will propose corrective action, if warranted, to the deciding official.

**2. Coverage**

The provisions of this policy apply to all Transportation Security Administration (TSA) employees who have completed a probationary period as set forth in HRM Letter 300-2, Interim Policy on Probationary Periods or who may have appeal rights to the Merit Systems Protection Board.

**3. PRB Board Member Selection**

Board members will be selected by the Deputy Administrator. The Deputy Administrator will select a minimum of eight (8) and up to thirty (30) TSA managers and supervisors in pay bands K through M and the Transportation Senior Executive Service (TSES) to serve as Board members. When the subject of the IA or OIG investigation is a member of the TSES, only TSES Board members will review the case.

**4. PRB Board Member Terms**

The Board members will serve for one (1) year from the date they are selected.

**5. Structure of the PRB**

All cases will be reviewed by five (5) member Review Panels selected from current Board members. The Deputy Administrator will select one (1) Board member at pay band M or TSES to serve as the Board Chair and head of the Primary Review Panel. A TSES Board member must serve as Chair when the case being reviewed involves an employee in pay band K or above.

Depending on the number of cases requiring review, the Board Chair may convene additional panels to review cases. Each additional panel will consist of five (5) Board members and will review cases in the same manner as the Primary Review Board. One

Board member will be selected by the Board Chair to act as the panel moderator and will assume the responsibilities of the Board Chair at the panel meetings. The Board Chair will review all panel determinations and take any action on behalf of the Board.

A member who is unable to attend a scheduled Review Panel meeting must notify the Board Chair as soon as possible so that a substitute can be designated to ensure that the required five (5) members are available for the scheduled meeting. Notification should be made no later than twenty-four (24) hours before the scheduled meeting.

Representatives of the Office of Human Resources Management (OHRM), the Office of Chief Counsel (OCC) and IA will be assigned to assist the Board as advisors. Representatives from IA will advise PRB members only on issues related to the content of the investigation.

A representative from the TSA Office of Civil Rights will attend Board meetings as an observer.

The TSA Ombudsman or his/her designee may, at his/her own discretion, attend Board meetings as an observer.

## **6. Responsibilities**

### **a. The Office of the Associate Under Secretary for Inspection**

IA will ensure that the PRB chair, OHRM and OCC advisors, and appropriate office heads receive copies of IA and OIG reports of investigation. A representative from IA will be available by telephone during PRB meetings if a question arises concerning the content of a report of investigation.

### **b. The Office of Human Resources Management and Office of Chief Counsel Advisors**

Not later than ten (10) business days after receipt of a completed IA or OIG report of investigation appropriate for Board review, advisors from OHRM and OCC will submit to the PRB Chair an outline of the report of investigation, which will include a brief summary of the issues of the case, options for corrective actions and such other information as the PRB Chair requests. The OHRM and OCC advisors will attend the review panel meetings as advisors and provide advice and assistance to the Board Chair and other Board members as needed.

If the OHRM and OCC advisors determine that a report of investigation involves the conduct of a probationary employee who does not have appeal rights to the Merit Systems Protection Board, the OHRM advisor will refer the matter to the employee's first level supervisor for appropriate corrective action.

### **c. The PRB Chair**

The PRB Chair will schedule a PRB meeting after his or her receipt of the OHRM and OCC advisors' outline. Prior to the PRB meeting, the PRB Chair will consult with the OHRM and OCC advisors to discuss the report and the options for appropriate

corrective action. Other PRB members on the panel designated to hear that case may consult with the OHRM and OCC advisors as well.

The Chair will make a recommendation for appropriate corrective action, if any, to each review panel with regard to the cases assigned to the panel for review. Pursuant to HRM Letter 752-1, Interim Policy for Addressing Performance and Conduct Problems, the Board Chair is authorized to act as the proposing official in any adverse action requiring a proposal and decision. Accordingly, the Chair will issue written proposals consistent with the majority vote of the Primary Review Panel or additional review panels convened to review cases.

An adverse action means a suspension of any length including an indefinite suspension, removal, reduction in grade/pay level or rates of pay, or furlough. If corrective action other than adverse action is determined appropriate, the Chair will issue a written recommendation to the appropriate management official responsible for taking such corrective action.

The Chair will convene monthly meetings of the Primary Review Panel provided there are new cases and/or unresolved matters from prior meetings to be considered. The Chair may call for more frequent meetings, if necessary. At each meeting the Chair will:

- Address any matters not resolved during prior meetings.

- Raise any IA or OIG reports received since the last meeting. The Chair will also advise the members of any action he/she believes should be taken in each case. The Chair's recommendation will be based on his/her review of the case in consultation with the OHRM and OCC advisors and will be forwarded to the panel moderator when additional panels are convened.

- Lead the members in a discussion of each case and call for a vote on the recommended action.

Additional panels will meet as deemed necessary by the Board Chair.

#### **d. The PRB Members**

Board members serving on a review panel are responsible for attending scheduled meetings. Meetings may be held via teleconferencing. At each meeting the members will:

- Consider the information contained in the IA/OIG investigative report.

- Consider the information provided by the Board Chair/panel moderator for each case.

- Participate in a discussion of each case.

- Vote on the PRB Chair's recommended action in each case.

#### **e. Deciding Officials**

The appropriate deciding official, as set forth in HRM Letter 752-1, Interim Policy for Addressing Performance and Conduct Problems, will institute any action taken in response to conduct reviewed by the Board. Before a decision notice can be issued, the deciding official must have the decision notice reviewed by OHRM for a corrective action other than an adverse action and by both OHRM and OCC for an adverse action.

#### **7. Recusals**

Certain situations may require a Board member to be recused from participation in one or more cases. Where a member is recused an alternate in an appropriate pay band will serve in place of that member.

A member may not participate in a case involving his or her immediate supervisor. Additionally, a member should contact the OCC to discuss the appropriateness of his participation in any case involving an employee with whom the Board member has a personal relationship. The Deputy Administrator will recuse the Board member where he believes the integrity or impartiality of the Board might be questioned.

If the Board receives notice of alleged misconduct on the part of one of the Board members, that Board member will be recused from any participation on the Board pending resolution of the allegations. The Board member will be removed from the Board if the allegations result in discipline.

#### **8. Appeals**

Employee appeal rights are set forth in HRM Letter 752-1, Interim Policy for Addressing Performance and Conduct Problems. An employee's rights will be set forth in all decision letters or memoranda issued to employees.

*Paul Sheldon for*

Richard A. Whitford  
Assistant Administrator for  
Human Resources

Attachments

---

**Filing Instructions:** File with HRM 752 Letters, Bulletins and Guidance

**Distribution:** TSA affiliated HR Offices, TSA Assistant Administrators, Office Directors

**POC:** TSAHR/Paul Sheldon/(571) 227-2828